

Implication of Economic and Financial Crimes Commission and Corruption on the Consolidation of Democracy and Sustainable Development and Growth in Nigeria from 2004-2008

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INTRODUCTION

Nigeria's inability to consolidate her democracy is blamed largely on the high level of corruption in the country. Corruption is efforts to secure wealth or power through illegal means for private gain at public expense; or a misuse of public power for private benefit. Corruption like cockroaches has coexisted with human society for a long time and remains as one of the problems in many of the world's developing economies with devastating consequences. Corruption as a phenomenon, is a global problem, and exists in varying degrees in different countries (Agbu, 2001). Corruption is not only found in democratic and dictatorial politics, but also in feudal, capitalist and socialist economies. Christian, Muslim, Hindu, and Buddhist cultures are equally bedeviled by corruption (Dike, 2005). Corrupt practices are not an issue that just begins today; but the history is as old as the world (Lipset and Lenz, 2000). Corruption not only distorts competition, hinders economic growth and endangers the stability of democratic institutions; it pulls down the moral foundation of society (Inokoba and Ibegu, 2011).

In Nigeria, it is one of the many unresolved problems (Ayobolu, 2006) that have critically hobbled and skewed development. It remains a long-term major political and economic challenge for Nigeria (Sachs, 2007). It is a canker worm that has eaten deep in the fabric of the nation. It ranges from petty corruption to political / bureaucratic corruption or Systemic corruption (International Center for Economic Growth, 1999). World Bank studies put corruption at over \$1 trillion per year accounting for up to 12% of the Gross Domestic Product of nations like Nigeria, Kenya and Venezuela (Nwabuzor, 2005). Corruption is endemic as well as an enemy within (Agbu, 2003). It is a canker worm that has eaten deep in the fabric of the country and had stunted growth in all sectors (Economic and Financial Crime Commission (EFCC), 2005). It has been the primary reason behind the country difficulties in developing fast (Independent Corrupt Practices Commission (ICPC), 2006). This is evident in Transparency International's has consistent rating of Nigeria as one of the top three most corrupt countries in the world (Ribadu, 2003). As part of effort at fighting corruption and strengthening the economy, Nigeria embarked on an aggressive pursuit of economic reform that through privatization, banking sector reform, anticorruption campaigns and establishment of clear and transparent fiscal standards since 1999. The major aim of the economic reforms in Nigeria is to provide a conducive environment for private investment (African economic outlook, 2006). The reform process has the following key 3 pillars: improved macroeconomic management, reform of the financial sector, institutional reforms, privatisation and deregulation, and improvement of the infrastructure. The importance of infrastructure for economic growth and development cannot be overemphasized. The poor state of electricity, transport and communications is a major handicap for doing business in Nigeria. The Federal Government of Nigeria through its Central Bank made progress in consolidation of the banking system which was prior to the reforms was highly fragmented, with many banks having very small and undiversified capitalisation. The reform stipulated a minimum paid-up capital of \$188 million, up from \$15 million, with a deadline for compliance at the end of December 2005. This resulted in a record number of bank mergers and acquisitions. As a result, the number of banks in Nigeria has shrunk from 89 in 2004 to 25 in December 2005.

The institutions charged to fight corruption in Nigeria have not done enough to contain the upsurge of his this menace up to expectation. Thus, the paper is tempted to ask the following questions: Why have the various anti-corruption agencies of various administrations failed to reduce the menace of corruption? Are the methods applied to confront corruption inadequate? Can the present anti-corruption commission (EFCC) effectively confront corruption as a step to the consolidation of democracy? Lastly, does the role played by the EFCC justify why it was established?

It is against this background that this study seeks to investigate the implication of Economic and Financial Crimes Commission (EFCC) and corruption on the consolidation of democracy and sustainable development and growth in Nigeria from 2004-2008.

Objective of the Study

The general objective of the study is to examine the implication of Economic and Financial Crimes Commission (EFCC) and corruption on the consolidation of democracy and sustainable development and growth in Nigeria from 2004-2008.

Specifically, this study attempts to:

- i. Examine the extent the fight against corruption has been achieved through establishment of Economic and Financial Crimes Commission (EFCC) (2004-2008).
- ii. To determine the role of EFCC in curbing corruption in Nigeria.

The benefits to be derived from this study will be very high. Future researchers that will specifically embark on the study of this kind will find this literature very useful as a reliable reference material accrues from this. The findings of this study will serve as deterrence to managers of public and private organizations and to the general public to avoid deviant behaviors as Economic and Financial Crime Commission will not “spare the rod and spoil the child”.

This study will serve as enlightenment to readers who lack the conceptualization of Economic and Financial Crime Commission in Nigeria. This study will contribute greatly to existing theories by enriching the wealth of knowledge through its findings on the activities of Economic and Financial Crime Commission (EFCC) to fight against corruption in Nigeria.

The hypothesis formulated and tested for this study is stated below:

H₀: Economic and Financial Crime Commission cannot curb corruption in Nigeria.

H₁: Economic and Financial Crime Commission can curb corruption in Nigeria.

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Theoretical and Conceptual Overview

It is very easy to talk about corruption, but like many other complex phenomena, it is difficult to define corruption in concise and concrete terms. Not surprising, there is often a consensus as to what exactly constitutes this concept. There is always a danger as well that several people may engage in a discussion about a different thing completely. But in recent years there is a body of theoretical and empirical research on corruption (such as Elliot, 1997; Rose-Ackerman, 1999; Gill, 1998; Girling, 1997; Human Development Cooperation (HDC), 1999; Kaufmann and Sachs, 1998; Mauro, 1995; Guhan and Paul, 1997; Schleifer and Vishny, 1993; Stapenhurst and Kpundeh, 1999; Vittall, 1999; World Bank, 1997 and the most recently, Farida and Ahmadi – Esfahani, 2007).

To avoid the confusion of definition of corruption, this paper gives an operational definition of corruption as conceptualized by some studies. Corruption is like cancer, retarding economic development. According to Eigen (2001), corruption is seen as a daunting obstacle to sustainable development a constraint on education, healthcare and poverty alleviation, and a great implement to the millennium development goal of reducing by half the number of people living in extreme poverty by 2015. Corruption, according to Collins English Dictionary for Advanced Learners (2001: 339) is dishonest and illegal behavior by people in positions of authority or power. Corruption occurs when an official transfers a benefit to an individual who may not be entitled to the benefit, in exchange for an illegal payment (the bribe). By taking the bribe, the official breaks a legally binding promise he gave to his principal or employer (usually the state government or a private company) to allocate the benefits to those entitled to it.

In the same vein, Otite (1986:12) sees corruption as, the perversion of integrity of state of affairs through bribery, favor or moral depravity. It involves the injection of additional but improper transactions aimed at changing the moral course of events and altering judgments and positions of trust. It consists in the doer's and receiver's use of informal, extra-legal, or illegal act to facilitate matters. He went on further to categorize corruption into political, economical, bureaucratic, judicial and moralistic manifestations.

Our focus, however, is on the political manifestation of corruption though political corruption may not have a generally acceptable definition, through the examination of the views of several scholars we hope to establish some discernable features of phenomenon.

Political corruption according to Yagboyaju (2005:72) is any act of a political class, civilian or military, or a highly placed public official aimed at changing the moral or lawful course of events especially when the perpetrators uses such a position of authority for the purpose of a personal or group interest.

Dike, (2003:153) also supported this new point by locating political corruption at the highest level of political authority. According to him, it occurs when the politicians and other important state decision makers, whose duties are to formulate and implement policies in the name of the people, are themselves corrupt. It also takes place when public policy formulation and legislation are tailored to benefit political office holders.

In his own contribution to the discourse on political corruption, Gyekye (1997:395) defined it as the illegal, unethical and unauthorized exploitation of ones political or official position for personal gain or advantage ... thus an act, of misdemeanor perpetrated against the state agencies by a person holding an official position in pursuit of his or her own private profit.

To Gyekye like others before him, political corruption is synonymous to public affairs fortunes, agencies resources and institutions of the state. Again, political corruption as an act committed by public officers goes beyond the issue of receiving and giving of bribe alone. It also includes graft, fraud, nepotism, kickbacks, favoritism and misappropriation of public funds. Therefore, the policeman who receives a bribe, and

consequently abandons charges against accused person; lawmakers who receives “Ghana-must go” bags of Naira to legislate or refuse to legislate on a bill to favor either the Governor or President; the President or Governor who stealthily and fraudulently siphon huge sum of money from the state treasury to his foreign bank account; the contractor who refuses to carry out the construction of a primary school building after collecting mobilization fee from government; and the bureaucrat who favor a less gudifud relative or friend for a position while rejecting candidates with better credentials are all involved in political corruption. From the foregoing presentation, we can conveniently identify some areas of convergence in the various scholars conceptualization of the phenomenon of political corruption. Firstly, political corruption is an illegal act as well as an aberration to the norms and ethics that sustain and maintain public (state) institutions and processes. Secondly, political corruption is an act committed by public officials against constitutionally agreed social norms and rules. And lastly, the act is usually committed at the expenses of the public. In other words, political corruption at ways sacrifices public interests at the alter of private interest with these; identifying political corruption becomes a much easier task.

There is no disputing the fact that corruption, particularly its political manifestation is the bane of democratic consolidation in Nigeria. It has created legitimacy crises for several civilian administrations as a result of the perverse, lawless and violent ways through which political power was acquired by these regimes. It has also adversely affected the ability of the government in power to fulfill or attain goals for the society.

Types of Corruption

In an elaborate analysis, Alatas (1990) divided corruption into seven distinct types: autogenic, defensive, extortive, investive, nepotistic, supportive and transactive. Autogenic corruption is self-generating and typically involves only the perpetrator. A good example would be what happens in cases of insider trading. A person learns of some vital information that may influence stocks in a company and either quickly buys or gets rid of large amounts of stocks before the consequences arising from this information comes to pass. Defensive corruption involves situations where a person needing a critical service is compelled to bribe in order to prevent unpleasant consequences being inflicted on his interests. For instance, a person who wants to travel abroad within a certain time frame needs a passport in order to undertake the journey but is made to pay bribes or forfeit the trip. This corruption is in self-defense.

Extortive corruption is the behavior of a person demanding personal compensation in exchange for services. Investive corruption entails the offer of goods or services without a direct link to any particular favor at the present, but in anticipation of future situations when the favor may be required. Nepotistic corruption refers to the preferential treatment of, or unjustified appointment of friends or relations to public office, in violation of the accepted guidelines.

The supportive type usually does not involve money or immediate gains, but involves actions taken to protect or strengthen the existing corruption. For example, a corrupt regime or official may try to prevent the election or appointment of an honest person or government for fear that the individual or the regime might be probed by the successor(s). Finally, transactive corruption refers to situations where the two parties are mutual and willing participants in the corrupt practice to the advantage of both parties. For example, a corrupt business person may willingly bribe a corrupt government official in order to win a tender for a certain contract. The focus in this paper will be on the extortive, nepotistic, and transactive corruption, not only because they appear to be at the core of the corruption phenomenon, but also because the other forms appear to be the offshoot of these three fundamental types. There would be no defensive corruption in the absence of the extortive type.

According to Okeme (2012), Corruption is divided into seven types:

- (i) *Bribery*: This has to do with giving and receiving money or material gifts in order to influence an officers or any person in authority so as to change certain decision or make an unmerited favour given to the bribe giver.
- (ii) *Extortion*: This is a situation in which a person is qualified to get something but the actor in charge whose duty is to give such a thing out insists on getting some money mostly in cash or in kind from the expectant party concerned before releasing it.
- (iii) *Graff*: This has to do with unethical means of profit making. For example kick backs. This can be described in a situation where by a contract sum has been paid to the contractor concerned and the line officers or people who were involved in facilitating the success are been given some money in return.
- (iv) *Over Invoking*: This relates to purchase of an item through an inflated price so that the difference between the actual price and the inflated price is shared between the parties involved.
- (v) *Blocking*: This is peculiar to educational institutions especially tertiary institutions. It means paying cash or kind to a person who supervises an examination, or marks examination scripts or records the result for favour. The favour could be to allow the student concerned to cheat in the examination hall or to give unmerited marks or to raise the student’s scorers.
- (vi) *Tyrannical Show of Power*: This refers to excessive use of power as in the Armed Forces or Police Force to command obedience in an act so bad since it most times no one could stop them.
- (vii) *Tips*: This is a situation where a person gives something usually in kind to speedy up the process of getting what is qualified to get.

Causes of Corruption

According to Encarta (2005), Corruption is described as dishonest exploitation of power for personal gain and criminal depravity corruption has been attributed to the following as some of the causes:

(i) *Strange culture and weird value system in Nigeria:* The society is becoming corrupt in third world countries, Nigeria inclusive because of strange cultural inclinations and weird value system morality is relaxed in the society and most of the time people struggle for survival without assistance from the state to the government. The influence or pressure of polygamy and extended family system which are very common in African countries contribute to the corrupt system in Africa and Nigeria in particular. Corruption linked to the strong family value that has feelings to fulfill the obligation attached to (Inokoba and Ibegu, 2011). Value system which has become part of the culture is such that the society does not check the background of rich individuals and their source of wealth. Once a wealthy man comes up in a society, he is instantly given a chair of fame of honor to the extent that chieftaincy titles await him wherever he goes. The churches hail him and always surround him and honor him. The Machiavelli principle of the end justifies the mean's manifest itself in this part of the society.

(ii) *Poor remuneration/Reward system is another major factor of the corruption in Nigeria:* Nigeria is one of the poorest paying countries in the world. This is a country where there is no labour hourly payment or value as economic reward. Also, the meager monthly pay is irregular thereby giving room for workers to make ends meet hence; they compromise their duties to meet up with the exigencies of their daily obligation.

(iii) *Unserious Constituted Leaders and Authorities:* Our leaders in the discharge of their authority are nonchalant at fighting corruption because sometimes they also benefit from this evil. This attitude of the officers charged with enforcing the laws and ensuring probity in their work and in the society has rather aided corruption instead of abating it. The Legislature, Judiciary, Police Force, Law Enforcement Agents and other Public Officials sometimes treat cases of corruption with laissez-faire and lackadaisical attitude most especially if such offence involves highly placed and influential person who offer money to buy Justice at the expense of the innocent poor. All the investigations both public and private as well as National Assemblies and even the State Assemblies in most cases fizzles out. For example, the murder of Chief Bola Ige and the embezzlement of the fund released for the power sector during Obasanjo's last administration have all been forced to a natural death etc. All the cases of corruption against some of the former State Governors are being frustrated by the authority, changing and withdrawing statements at the police stations are common practices in Nigeria. Money influence is the main corrupt system of election worldwide and Nigeria as one of such flag bearers. The Independent Nigeria Electoral Commission (INEC), Party Officials, the Police Force and the Electorates are easy prey(s) for compromise once they are settled. No wonder Lottermen (2002) noted that bad leadership breeds corruption.

(iv) *Lack of Ethical Standards throughout the Agencies of Government and Business Organisation in Nigeria:* This is a serious drawback to the unsuccessful fight against corrupt practices in Nigeria government because incompetent leaders through corrupt means handles the democratic governance in Nigeria and this certainly will inevitable render the government weak and corruption is most likely to flourish. One of the causes of this ugly experience under the democratic governance of Nigeria emerged and can be traceable to the negative impacts of colonialism which made Nigeria to shift from traditional communalism to individualism and from humanism to materialism. The interest of the leaders in material wealth (material comforts) and the desire to control power more strongly led them to abandon traditional values (Cook and Homans, 1978:66). Thus, it was a combination of excessive individualism and uncontrolled crave for material wealth and power that the traditional values of "being a brother's keeper" disappeared into an oblivion and the concern for others were replaced by colonial attitude of exploitation, greed, avarice, ruthlessness, dishonesty, corruption and ultimately political thuggery became the order of day. The cherished western norms are more of social vices rather than moral values which are supported to be reawakened in our social and political relations within the framework of the democratic arrangement of Nigeria if the country is to move forward.

(v) On the other hand, obsession with materialism, shortcuts to affluence or wealth, glorification and approbation of ill gotten wealth by the general public, are among other reasons for the persistence of corrupt practices in Nigeria (Nyes, 1967).

(vi) Inequality in the distribution and redistribution of national wealth among citizens.

(vii) Delay of punishment over convicted cases involving the society's affluent person's results into denial or missing files. This situation now allows for the use of money to delay or cancel such a case. The 6billion Naira unaccounted for during the last Obasanjo's administration for the power sector is almost forgotten issue today.

(viii) *High Level of Poverty:* In Nigeria hunger is so pronounce that people throw away conscience and decorum for survival.

(ix) Political office has been conceived as a primary means of gaining access to wealth since the law could be compromised with money despite the magnitude of the offence committed.

(x) Conflicts between changing moral codes supports corrupt practices.

(xi) The weakness of social and governmental enforcement mechanisms.

- (xii) The absence of a strong service of national community (Bryce, 1921:55)
- (xiii) Unfulfilled rising expectations of ones right.
- (xiv) Relative deprivation
- (xv) Moral decadence (without the fear of God).
- (xvi) Personal interest
- (xvii) Desire for gain at all cost.
- (xviii) Lack of good conscience (morality)

Extent of Corruption in Nigeria

To say that corruption is rampant in Nigeria is to over flag the obvious. Corruption in Nigeria, as it presently manifest can be appropriately termed endemic or systemic. What is unique about Nigeria is her persistence in corruption, though statistically non-significant position within the bottom five surveyed nations every year since 1996. Corruption has not only permeated the government and oil fields of Nigeria, it has attacked the entire nation (Hadi, 1999). Corruption and inefficiency are characteristics of service delivery in Nigeria, although private companies seem to perform more efficiently and less corruptly than public enterprise (Amadi, 2004).

Corruption has become so blatant and widespread that it appears as if it has been legalized in Nigeria (Gire, 1999). As Goodling (2003) notes, "since 1996, Nigeria was labeled the most corrupt nation three times: 1996, 1997, and 2004: and placed in the bottom five four more times fourth from the bottom in 1998, 2001, 2002 and 2003". The 1996 study of corruption by Transparency International and Goettingen University ranked Nigeria as the most corrupt, nation among 54 nation listed in the study with Pakistan a the second highest (Moore, 1997). As this was not too bad enough, the 1998 Transparency International Corruption Perception Index (CPT) of 85 countries pooled (table 2); (Lipset and Lenz, 2000) in 1999 Transparency International (TI) released its annual Corruption Perception Index (CPI) ranking 99 countries in order of their perceived level of corruption with number one being the least corrupt Nigeria at number 98, was only one rank above its neighbor Cameroon. In the 2001 corruption perception index (CPT) the position of remained unchanged as the second corrupt nation in the world (ranked 90 out of 91 countries pooled) with Bangladesh coming first. In October 2003 reports release in London, Nigeria at number 132 was still only one rank above Bangladesh – even though the number of countries in the latter poll had increased to 133 countries.

The 2004 corruption perception index released by Transparency International the watch dog on global corruption again ranks Nigeria as the third most corrupt country in the world. Up till June 2007 Nigeria has not been exonerated from the list of the top ten leading countries on corruption.

On sectorial distribution, the nationwide corruption survey in the Nigeria Corruption Index (NPI) 2007 identified the Nigeria Police as the most corrupt organization in the country, closely followed by the Power Holding Company of Nigeria (PHCN). Corruption in the Education ministry was found to have increased from 63 percent in 2005 to 74 percent in 2007 as against 96% to 99% for the police in the corresponding period. The Independence National Electoral Commission (INEC) was the only new organization identified as corrupt among the 16 organizations on a list which included Joint Admission Matriculation Board, the Presidency, and the Nigerian National Petroleum Commission (NNPC), while the Federal Road Safety Commission (FRSC) and the Nigerian Railway Corporation (NRC) have been identified as the least corrupt organization with respect to bribe taking from the populace as at June 2007 (Abimbola, 2007).

Another area in which corruption has manifested itself is in the area of project execution. For instance, Ajaokuta, a steel mill in Nigeria, has been under construction for the past seventeen years and throughout that period of time has consumed seven billion dollar it has produced no steel. The mill is a white monolith of steel and concrete, epitomizing the inefficiency of corruption. Another example is Alcon upper block (an aluminum plant in Nigeria) which has consumed 3 billion dollars over the past 5years. The project was to produce 190, 000 tons of aluminum, but like its predecessor, Ajaokuta, has not produced any aluminum to date.

Economic and Financial Crime Commission (EFCC)

Economic and Financial Crimes Commission (EFCC) is a law enforcement agent established in 2004. The EFCC Establishment Act 2004 mandated the commission to combat Economic and Financial Crimes. The commission is empowered to prevent investigate, prosecute, penalize economic and financial crimes and it is charged with the responsibility of enforcing the provisions of the others laws and regulations relating to economic and financial crimes including:

- i. The Act itself i.e. the EFCC Act 2004
- ii. The Money Laundry Act 1991
- iii. The Money Laundry prohibition Act 2004
- iv. The Advance Free Fraud (419) and other fraud related crimes of 1995
- v. The failed Banks (Recovery of Debt) and financial malpractices in Banks Act 1994
- vi. The Banks and other financial institutions Act 1991 and the Miscellaneous Offences Act of 1991

In addition, the Economic and Financial Crimes Commission (EFCC) is the key agency of government responsible fighting terrorism in Nigeria. It is empowered to co-operate with foreign countries to investigate and bring to book cases of financial misappropriations or fraudulent actions of Nigerian public offices in and outside

the country (EFCC Act, 2004). Though the establishment of EFCC was in 2002 with all the enabling laws, its final act was in 2004 with all the powers as enumerated above.

Function of the EFCC

The major functions as set out in the enabling act of EFCC include;

- i. Investigation of all financial crimes such as advance free fraud (419), money laundering, illegal charge transfer, computer credit card fraud, contract, forgery of financial investigation.
- ii. Adopt measures to identify trace and tackle economic and financial crimes and other related offences the value of which corresponds to such proceeds.
- iii. Dealing with matters connected with extraction deportation and mutual legal or other assistance between Nigeria and other countries involving economic and financial crimes.
- iv. Maintaining liaison with offices of the Attorney General of the Federation, Nigeria custom service National Drug Law Enforcement Agency (NDLEA) all government security financial supervisory institution in the eradication of economic and financial crimes.

The commission has received vigor with the setting up the body. The commission investigated in 2005 the following then serving governors of their respective states for offenses ranging from money laundering to fraud. These Governors include; Orji Kalu of Abia, Igbenedion of Edo, James Ibori of Delta, Victor Attah of Akwa-Ibom, Tinubu of Lagos, Almei Yesigha of Bayelsa, and Peter Odili of Rivers (Tell Jan. 31, 2005). The ₦55 million allegations against the Former Inspector General of Police Tafa Balogun, all these allegations are being investigated by EFCC.

Anti-corruption Agencies, their Founders and Years of Establishment since Post Independence in Nigeria.

S/N	Year	Decree/Act	Head of State/Gov.
1	1996	The public officer investigation Asset Decree No. 5	General Yakubu Gowon
2	1975	The corruption practice Decree	General Murtala Muhammed
3	1979	The Ethical Revolution Act	Alhaji Shebel Shagari
4	1984	The War Against Indiscipline Decree	General Muhammed Buhari
5	1990	The code of conduct and Tribunal Act. CAP 56 Law of the Federation of Nigeria (LFN) 1990, now CAPR4 (LFN) 2004	General Ibrahim Babangida
6	1990	The Recovery of Public Property (special Military Tribunal Act now CAP R4, (LFN) 2004.	General Ibrahim Babangida and General Abdusalami Abubakar
7	1994	The Farled Banks, Recovery of Debts and financial Institutions Malpractices in Banks, Decree 1994, as Amended in 1999 CAP F2	General Sani Abacha and General Abdulsami Abubakar
8	2000	The corrupt practices and other Related Offences ACT 200. CAP (31 (LFN) 2004.	Chief Olusegun Obasanjo.

Source: EFCC Reports (2005)

Justification for Economic and Financial Crimes Commission (EFCC)

Democracy is one of the major instruments through which effective public services delivery are provided and enshrined. Therefore any thing worth doing should be done well with the best impeccable means. In the words of Rosembloom and Kray Chuk (2002), "Public services is the use of managerial political and legal theories and process to fulfill legislative, executive and judicial mandates for the provision of governmental regulatory and service functions".

Another phenomenon common with public service is bureaucracy which is akin to due process which could be described theoretically as a special process of carrying out government activities where specialization, expertise, and accountability are the major guiding principles. However, as government grows in responsibility, bureaucracy plays an increasingly important role in political life, since cases of corruption abounds, the Economic and Financial Crimes Commission can only serve as the rescuer (Heywood, 2003). This implies that Economic and Financial Crimes Commission will help to restore accountability and good leadership which are the major deficiencies faced under the democratic governance of Nigeria today.

The justification for Economic and Financial Crimes Commission (EFCC) under the democratic governance of Nigeria is that:

2. It investigate all financial crimes such as advance free fraud (419) money laundering illegal charge transfer, computer credit card fraud, contract and forgery of financial investment.
3. It adopts measure to identify, trace and tackle economic and financial crime and others related offences, the value of which corresponds to such proceeds.
4. It deals with matters connected with extradition deportation and mutual or other assistance between Nigeria and other countries involving economic and financial crimes.

5. It maintains liaison with offices of the Attorney General of the Federation, Nigeria Custom Service, National Drug Law Enforcement Agency (NDLEA) and all government security agencies to fight its culprit (EFCC Act, 2004).

Achievements and Challenges of Economic and Financial Crimes Commission (EFCC)

The Economic and Financial Crimes Commission (EFCC) by Dr. Mrs. Farida Waziri, OFR on 7th May 2011 capturing EFCC on-going high profile cases 2007-2009-Names of suspect on Trial, Court Case Status, Amount involved, status of suspect(s) and remarks.

My brief is to discuss the role of the EFCC in growing the Nigerian Economy. I intend to present an overview of the historical background of the commission, discuss its mandate, its achievements, the criticisms to which it has been subjected to and the key initiative that have been introduced under my watch. I trust that in telling the story of the commission and the lessons we have learnt in setting up the EFCC and running it, same will be of some use. Was I to be asked the question of the role of the EFCC in the Economy? My answer will run thus: To provide financial security and provide a level playing field in the Economy for all stakeholders and investors. My discussion will therefore establish how the activities of the commission have provided financial security and a level of playing field.

At the onset, we must understand that corruption is the biggest killer disease in Africa. Corruption apart from distorting key macroeconomic indices ensures that basics as Medicare, Water, Schools, Roads and other infrastructure are unavailable. By way of pro-email remarks, it must be stated that at no time in the history of Nigeria has so much been demanded from a single institution of agency of Government like the expectation from the Economic and Financial Crimes Commission.

The commission has assumed a larger than life status and has grown to be perceived in the eyes of Nigerians as a solver of all problems even those outside its mandate. The reason for these misplaced expectations may not be unconnected with the failure of most institutional structures in Nigeria.

The historical background of the existence of the Economic and Financial Crimes Commission derives from the need in the late 1980s to create special interventionist agency to investigate economic and financial crimes. At that time, the menace of Advance Free Fraud, with its negative impact on the country had been recognized.

At the same time, it was recognized that the sophistication of economic crimes were such that there might be the need for a special commission to hand its investigation and prosecution as opposed to the regular law enforcement agencies. By 2002, Nigeria found its way in the financial action task force, a list of non-cooperative countries and one of the conditions for being taken off that list was compliance with Recommendation 26 of the FATF's laws then 49 recommendations which required the creation of a Financial Intelligence Unit domiciled there with. The statues creating EFCC was first enacted in 2002 and subsequently re-enacted in 2004. The EFCC started operations in 2003.

The statute creating the EFCC vested it with the mandate to:

1. Investigate and prosecute Economic and Financial Crimes to cover several issues such as bank frauds, tax evasion, capital market fraud, futures market frauds, etc.
2. Implement the provisions of the Advance Free Fraud Act, failed Banks decree, money laundering Act and the Banks and other financial institutions decree.

From a practical point of view, the EFCC sees it's mandate as the provision of financial security for the Nigerian Economy. It implements the mandate through tackling those menaces such as official corruption, tax evasion, bank fraud, advanced free fraud, illegal bunkering and several others shades of economic crimes that can distort key economic indices and inhibit growth. It also seeks to create a level playing field for all stakeholders within the economy.

Convicted EFCC Cases: The Score Card of the EFCC

Commentators on the EFCC tend to be astounded when faced with the performance indicators posted by the commission's relative harsh operating terrain. It has grown to become the premier anti-corruption agency in Africa and indeed the level of recoveries it has made is arguably un-paralleled in the history of any agency in the world.

In the area of convictions, the commission has secured over 600 convictions. The analysis of these convicted cases shows that the bulk of them have come from areas of Advance fee fraud and other related offences. There have been other high profile convictions involving politically exposed persons such as Tafa Balogun, Diepriye Alamiesigha, Bode George, Cecilia Ibru and Lucky Igbenedion among others. At the time of writing, most of the above listed are pending with over 1500 cases in various courts, ranging from Advanced fee fraud, official corruption, money laundering, illegal bunkering, abuse of due process, tax evasion, and other shades of economic crimes.

The prosecution and subsequent conviction of Chief Bode George marked a watershed in the history of the commission. Chief George a Chieftain of the ruling People Democratic Party, alongside principal officers of the Nigerian Ports Authority was convicted and sentenced to 2 years imprisonment. The importance of this lies in the fact that this was the first time in the history of the commission that a high profile case involving a politically

exposed person went through the full process of trial and conviction without recourse to a plea bargain. The process was equally affirmed and upheld by the court.

The commission has also recovered over \$11billion since its inception in 2003. The bulk of this, that is, \$6.5billion was recovered in the last two years alone. These recoveries include some part of the Former Gen. Abacha's loot, as well as recoveries from the bank sanitization exercise which the commission embarked on with the Central Bank of Nigeria. Expectedly, a substantial portion of these recoveries are Government funds that have been siphoned along with criminal proceeds from bank frauds. It will do us well to explain the avenues of recovery and the use of which this recovered fund are channeled. Restitution may not be the primary motive of the work of the commission but it is an important incidental of the investigation and prosecution of criminals. Thus in cases of official corruption and theft of Government funds, the proceeds of the crime are remitted to the office of the Accountant General of the federation of Nigeria or that of the applicable state Government, as required by public service rules, where the victim is a private entity. The proceeds of the crime are given to such private entity see table for record of recoveries. Table of Recoveries (June 2008 to March 2011).

The commission has aggressively sensitized the general populace and politically exposed persons on the ills of corruption. Whereas hitherto, public funds are misappropriated with impunity, there is a growing understanding of its negative impact. Most importantly, the cliché which says "EFCC is watching" has continued to gain grounds. There has been a gradual reduction in corrupt practices that were hitherto accepted and taken for granted. As indicated earlier, the history of the commission cannot be divorced from the efforts of Nigeria to be delisted from the Financial Action Task Force and from the list of non cooperative countries and Territories. In this respect, the results have been singularly successful. The creation of the Nigerian Financial Intelligence Unit, domiciled with the commission has led not only to the delisting of Nigeria but also the membership of the prestigious Egmont Group of Financial Intelligence Units since 2007. Nigeria continues to play a significant role in the Egmont Group and indeed is nurturing some other West African Countries to assume membership. Further, the commission played a key role in the establishment of the West African Regional style FATF agency, GIABA. Also key staffs including the incumbent Director General were drawn from the commission.

All the foregoing success indices of the commission have led to an improved image of Nigeria and Nigerians. The decisive steps taken by the commission in combating Advance Fee Fraud, has translated into its being a key member of the International Mass Marketing Fraud Working Group. Further, the country's ranking in Transparency International's List of corrupt countries has continuously improved. The ratio of recoveries and convictions in the last two and a half years under my watch constitute about 60% of the total success story of the commission. This is not accidental but a function of a change in direction and insisting that the mandate of the commission must be carried out within the rule of law. Our experience has been that working within the Economic and Financial Crimes Commission limits of the law has challenged our capacity and led to more in-depth analysis and investigations. This has therefore meant that hole for defense attorneys to take advantage of. See table on record of investigations/convictions (EFCC, 2011)

On-Going High Profile Cases Capturing: Name of Suspects on Trial, Court Case Status of Suspect(s) and Remarks

These details are provided below:

1. **Ayo Fayose** (Former Governor of Ekiti State) Federal High Court, Lagos Arraigned on 51 state counts, plea already taken but defense lawyer keeps filling frivolous application for long adjournments to frustrate and prolong trial N1.2 Billion granted bail by Court since 2007-inherited case file since 17th December 2007.
2. **Adenike Grange** (Former Minister of Health) FCT High Court Maitama Arraigned on 56 state counts, plea already taken. Defence lawyer often long adjournments to prolong trial matter adjourned to October 27 N300million granted bail by court since 2008. Inherited case filed since 2nd April 2008.
3. **Joshua Dariya** (Former Governor Plateau State) FCT High Court Gudu Arraigned on 14 state counts, plea already taken but defense lawyer challenged Court Jurisdiction. Case started at HC while on appeal for stay of trial. This is part of calculated attempt to prolong trial N700million granted bail by Court since 2007-inherited case filed since 13th July 2007.
4. **Saminu Turaki** (Former Governor, Jigawa State) FCT High Court Maitama Arraigned on 32 state counts. Plea already taken but defense lawyer challenged Court Jurisdiction. Case stalled at HC while seeking stay of trail of Appeal Court. It is part of usual attempt to frustrate and prolong trial N36billion granted bail by court since 2007-inherited case filed since 13th July 2007.
5. **Orji Uzor Kalu** (Former Governor, Abia State) Federal High Court Maitama Arraigned on 107 state counts, plea already taken but defense lawyer raised preliminary objection against charges. Lost at trial court but has gone on appeal to stay trial. It is part of usual attempt to prolong trial. Further hearing November 3 N5billion granted bail by court since 2008-inherited case filed since 11th June 2007.
6. **James Ibori** (Former Governor, Delta State) Federal High Court Asaba Arraigned on 170 state counts. Defense lawyer challenged Kaduna Federal Court Jurisdiction lost at trial court but won at Appeal Court. Case re-assigned by CJ to Asaba FHC. Without taking plea, suspect applied to quash charges, prosecution opposed

- application and ruling for November 6 ₦9.2billion granted bail by Court since 2008-inherited fresh charges filed in August 2009.
7. **Iyabo Obasanjo -Bello** (Serving Senator) FCT High, Maitama Arraigned on 56 state counts. Plea already taken but case stalled as defence lawyer filed to challenge charges, application pending for determination. This is part of frivolous application to delay trial ₦10Million granted bail by court since 2008-inherited case filed since April 2 2008.
 8. **Lucky Igbinedion** (Former Governor of Edo State) FCT High Court, Enugu Arraigned on 191 state counts. Applied for plea bargain and convicted but EFCC has appealed the judgment to seek for stiffer sanctions ₦4.3billion case determined 2008-inherited case filed on 23rd January 2008.
 9. **Gabriel Aduku** (Former Minister of Health) FCT High, Maitama Arraigned on 56 state counts. Court judgment on no case against suspect under review by EFCC ₦300Million cases determined in 2008-inherited case filed on April 2nd 2008.
 10. **Jolly Nyame** (Former Governor Taraba State) Federal High Court, Abuja Arraigned on 21 state counts. Plea already taken but case is stalled a defense lawyer challenged Court Jurisdiction. Lost at HC, Appeal Court, now before Supreme Court this is a typical example of frivolous appeals to buy time and prolong trial ₦180 million granted bail by Court since 2008 – inherited case filed since 13th July 2007.
 11. **Chimaroke Nnamani** (Former Governor of Enugu State) Federal High Court, Lagos Arraigned on 105 state counts. Plea already taken but case is stalled as defense lawyer filed to transfer case to another Judge on allegation bias against trial Judge even as counsel has again filed to challenge Court Jurisdiction. This is equally an attempt to prolong trial. Case come up October 22 ₦5.3billion granted bail by Court since 2007-Inherited case filed since 11th December 2007.
 12. **Michael Botmang** (Former Governor of Plateau State) Federal High Court, Maitama Arraigned on 31 state counts. Plea already taken but trial stalled due to suspected ETM's ailment, on daily basis. Trial billied to resume October 16 ₦1.5billion granted bail by Court since 2008-commenced by Waziri on 18th July 2008.
 13. **Roland Iyayi** (Former Managing Director of FAAN) FCT High Court, Maitama Arraigned on 11 states counts. Plea already taken. Trial-on-going court taking prosecution witness's testimony ₦5.6billion granted bail by Court since 2008-commenced by Waziri in June 2008.
 14. **Nyeson Wike** (Serving Chief of Staff to Governor of Rivers State) FCT High Court Maitama Arraigned on State counts. Court quashed charges. EFCC already appealed judgment. Appeal pending at Appeal Court. ₦4.670billion granted bail by Court since 2008-commenced by Waziri on October 9, 2008.
 15. **Elder George** (Austrian Business Man) FCT High Court, Maitama Arraigned on 11 State counts, plea already taken and trial On-going. Prosecution witness undergoing cross examination. Continuation of trial fixed for November 17, granted bail by Court since 2008-commenced by Waziri in June 2008.
 16. **Kenny Martins** (Police Equipment Fund) FCT High Court, Maitama Arraigned on 28 amended state counts, plea already taken and trial on-going. Witnesses under cross-examination and continuation of trial fixed for November 9 ₦7,740 billion granted bail by court since 2008-commenced by Waziri in June 2008.
 17. **Thirteen (13) Filipinos (charged for Oil Bunkering)** Federal High Court, Benin Arraigned on State counts, convicted at the close of trial and sentenced to 65years altogether ₦300million EFCC returns to Court to seek forfeiture of vessel used for Oil theft October 23 slated for adopted or written addresses on that-commenced by Waziri in 2009.
 18. **Six (6) Ghanaians (Charged for Oil Bunkering)** Federal High Court of Benin arraigned on State counts and trial commenced. Prosecution closed case matter adjourned to November 4 and 5 for defence to close. ₦25million granted bail by Court in 2009. Commenced by Waziri in 2009.
 19. **Patrick Fernadez** (Indian Businessman) Federal High Court, Lagos arraigned on 56 states counts plea already taken and trial commences November ₦32billion grant bail by court in 2009 commenced by Waziri in June 2009.
 20. **Prof. Babalola Borishade** (Former Minister of Aviation) FCT High Court, Maitama Arraigned on going (₦5.6billion) prosecution witnesses under ₦5.6billion granted bail by Court since 2008 commensed by Waziri in June 2008.
 21. **Boni Haruna** (Former Governor, Adamawa State) Federal High Court Maitama Arraigned on amended 28 States counts, plea taken. Adoption of motion slated for November-₦254million granted bail by Court since 2008 commenced by Waziri in 2008.
 22. **Femi-Fani-Kayode** (Former Minister of Aviation) Federal High Court, Lagos Arraigned on 47 states counts. Plea taken but case stalled a result of trial courts refusal to admit e-print of suspect's statement of account as evidence. EFCC on appeal against the decision and the matter is still pending at appeal Court ₦250 million granted bail by Court in 2008-commenced by Waziri in 2008.
 23. **Prince Ibrahim Dumuje** (Police Equipment Fund) FCT High Court. Abuja Arraigned on 28 amended state counts, plea taken and trial on going prosecution witnesses under cross examination continuation fixed for November 9 ₦7, 740 billion granted bail by Court since 2008 commenced by Waziri in June 2008.

24. **Bode George** (Chieftain of the Ruling Party PDP) Federal High Court of Lagos Arraigned on 68 state counts. Plea taken and trial concluded. Judgment being awaited N100 billion granted bail by Court since 2008, commenced by Waziri since 2008 December.
25. **Rasheed Ladoja** (Former Governor of Oyo State) Federal High Court, Lagos Arraigned on 33 State counts. Plea taken and on-going prosecution witnesses slated for cross examination in November ₦6billion granted bail by Court since 2008 commenced by Waziri.
26. **Four Senior Zenith Bank Managers** Federal High Court of Port-Harcourt arraigned on 56 State Counts. Plea taken but cases stalled over an injunction by Rivers State Government, which is a party the case to stop EFCC. Injunction being challenged at Appeal Court N3.6billion granted bail by Court in 2009. Comment by Waziri.
27. **Mallam Nasir El-Rufai** (Former Minister of FCT) Federal High Court, Abuja arraigned on 8 state counts. Suspects charged for corruption and abuse of office, plea not taken because suspect has refused to put in appearance and papers for extradition filed suspect at large commenced by Waziri.
28. **Sen. Nicholas Ugbane, Hon. Ndudi Elumelu, Hon. Mohammed Jibo, Hon. Paulinus Igwe**, (A member of House of Representatives) Dr. Aliyu Abdullahi (A Fed. Permanent Sec) Mr. Samuel Ibi, Mr. Simon Nanle, Mr. Lawrence Orekayo, Mr. Kayode Oyedeki, Mr. A Garba Jahun (This is the Rural Electrification Agency Case Involving a Serving Senator, 3 Serving Members of the House of Representative, the Permanent Secretary of the Ministry of Power and other high profile Public Officers). FCT High Court Abuja arraigned on 158 state counts, plea taken while prosecution has filed more charges against suspects. Matters stalled due to medical treatment of Hon. Igwe who was shot by robbers October 29 slated for taking of plea on fresh charges and embezzling ₦5.2billion remanded in prison custody and later granted bail court in 2009 commenced by Waziri in May 2009.
29. **Prof. B. Sokan, Molkat Mutfwang, Michael Aule, Andrew Ekpanobi**, (All directors) Alexander Case where High Profile Public Servant connived with an American, Alexander (Ozman) to defraud the Government Federal High Court, Abuja arraigned on 64 state counts, plea taken while more charges were filed against suspects due to appearance of Prof. Sokan.
N636 million suspects remanded in prison custody and later granted bail by court in 2009. Commented by Waziri on May 19th 2009. Matter adjourned to November 9th for suspects to take plea on amended charges.
30. **Dr. Ransome Owan, Mr. Abdulrahman Ado, Mr. Adulrasak Alimi, Mr. Onwuamaeze Ileoje, Mrs. Grace Eyoma, Mr. Mohammed Bunu, Mr. Abimbola Odubiyi** (This is the Nigeria Electricity Regulating Commission Case where the Chairman and his 6 Commissioners corruptly enriched themselves) Federal High Court, Abuja Arraigned on 196 state counts, plea taken. Trial billed to commence while more charges were filed against suspects. Further hearing slated for October 29th ₦1.5 billion granted bail by Court in 2009-commenced by Waziri on April 22nd 2009.
31. **Tom Iseghohi, Muhammed Buba, Mike Okoli**, (GM and Managers of Transcorp Group PLC) Federal High Court, Abuja arraigned on 32 state counts, plea taken. Matter adjourned for commencement on trial November 9th ₦15Billion suspects remanded in Kuje Prison and later granted bail by Court in 2009 commenced by Waziri in May 2009.
32. **Dr. Albert Ikomi**, Rtd. Permanent Secretary, his firm Satellite town dev co ltd Federal High Court Ikoyi, Lagos arraigned on 4 state counts, plea taken and matter adjourned for hearing ₦43million suspects remanded in Ikoyi Prison and later granted bail by Court in 2009 commenced by Waziri in 2008.
33. **Dr. Yuguda Manu Kaigama**, Chairman, Taraba State Civil Service Commission Taraba State High Court 5, Jalingo Arraigned on 37 State Counts, plea taken and matter adjourned for trial. ₦17 million suspects remanded in prison custody. Co-accused Yakubu Danjuma Takun, at large and the cases is commenced by Waziri on October 10th 2009.
34. **Chief Joe Musa**, DG National Gallery of Art Olusegun Ogumba, Chinedu Obi, Oparaga Elizabeth, Kweku Tandoh, (All director of NGA) FCT High Court, Lugbe (Justice Olukayode Adeniyi) Arraigned on 12 state counts, plea taken and defence lawyer filed applications to stall trial but lost the bid. Matter adjourned for trial November 19th/20th ₦1.012billion suspects remanded in Kuje Prison and later granted bail by Court in 2009 commenced by Waziri in July 20th 2009.
35. **Dr. Dayo Olagunju**, Ex. Sec. National Commission for Mass Literacy, Adult and Non-formal education, Joshua Alao, Alice Abang, Jibrin Waguna, Ahmed Abubakar, Shehu Khalid, Moses Oseni Francis, Awelewa and Bashir Suleiman Federal High Court Abuja. Justice Anuli Chikere Arraigned on 17 State Counts. Plea taken and matter adjourned for commencement of trial October 22nd. ₦479 million suspects remanded in Kuje Prison and later granted bail by Court in 2008. Commented by Waziri 24th July 2009.
36. **Hamman Bellow Hammed**, Ex-CG Customs, Hannafu Suleiman, Tajudeen Olalere Lukman Hussain, Popular Foods Ltd and Silver Maritime Shipping Coy Ltd Federal High Court Lagos Justice Ramat Mohammed Arraigned on 46 State Counts, plea taken, matter adjourned to November for trial for ₦2.5billion suspects remanded in Kirikiri and Ikoyi Prisons and later granted bail by Court in 2009.

37. Professor Innocent Chuka Okonkwo, Former VC Imo State University, Uchechi Nwugo and Wilfred Uwakwe Federal High Court, Abuja Justice Mohammed Garba Umar Arraigned on 14 State Counts, plea taken Adjourned to November for trial ₦145 million suspects remanded in Kuje Prison and later granted bail by court in 2009. Commented by Waziri on July 30th 2009.

38. Dr (Mrs.) Cecilia Ibru (Former CEO, Oceanic Bank PLC) FHC, Ikoyi Lagos Justice Dan Abutu arraigned on 25 State Counts. Plea taken and case adjourned to November for trial ₦160.2billion suspect remanded in EFCC custody, but granted bail 14/9/2009 commenced by Waziri on August 31 2009.

39. Dr. Bartholomew (Former CEO, Union Bank PLC) Bassey Ebong, Henry Oynemem and Niyi Albert Opeodu (Ex-Directors, UBN) FHC, Ikoyi Lagos Justice Dan Abutu Arraigned on 28 state count plea taken and case adjourned to November for trial ₦187.1Billion suspect remanded in EFCC custody. But granted bail on 14/9/09 commenced by Waziri on August 31 2009.

40. Raymond Obieri (Former Chairman, Intercontinental Bank PLC Hyacinth Enuha, Ikechi Kalu, C.A. Alabi Samuel Adegbite, Isyaku Umar, Sanni Adams. FHC Ikoyi, Lagos Justice Dan Abut arraigned 18 state counts. Plea taken and case adjourned to November for trial ₦131.8billion. Suspects remanded in EFCC custody but granted bail on 14/9/09. Commented by Waziri on August 31 2009.

41. Sebastian Adigwe, Peter Ololo, Falcon Security Ltd, FHC, Ikoyi, Lagos. Justice Dan Abutu Arraigned on 11 State counts. Plea taken and case adjourned to November for trial ₦277.3billion suspects remanded in prison custody, but granted bail on 15/9/09 commenced by Waziri on August 31 2009.

42. Okey Nwosu FHC, Ikoyi, Lagos Justice Dan Abutu Arraigned on 11 State Counts. Plea taken and case adjourned to November for trial ₦95.1billion suspects remanded in prison custody, but granted bail on 15/9/09 commenced by Waziri on August 31

43. Dimeji Bankole. Nigeria Authorities have arrested former House Speaker, Dimeji Bankole on charged for misappropriating at least USD 60 million of State Funds (More at voanews.com).

The Weakness of EFCC on the Fight Against Corruption in Nigeria

Despite the efforts made by government to sanitize the country and make it a corrupt free nation, some problems hinder in proper and effective performance of these commissions. The critics posited that these commissions have not landed any big fish or caught any fish at all (This Day, June 24, 2002). These weaknesses are steams from the following analysis.

(i) *Immunity Clause*: With the on-going campaign against corruption, it would appear that the nation is not yet prepared to do away with Section 308 of the Constitution which gives immunity from prosecution to the President and his Governors. It is one the institutional weakness of these commissions. The Federal High Court who handled the case of the then Governor Joshua Dariye of Plateau State on account of fraudulence and money laundering asked him not to appear in court because of section 308, then ICPC boss, Akanbi, said Section 308 today makes it difficult for these commissions to prosecute offenders who have the privileges of enjoying this immunity (searchlight volume 3. No 5 May/June 2005) form the foregoing constitutional constraint is one of the major weakness to the success of these commissions.

(ii) *Bias Lawyers and Victimization in Law Court*: Some defence lawyers fail to conduct their cases in the tradition of the high standards required in the legal profession. It is well known attitude for so many defence lawyers today who ensure that cases do not go through proper procedures for the right judgments to be passed by the Judge most especially when the Judge refuses to their detriment, the Judge becomes the target. He will be accused of been based and an application for his transfer to another Court in termination may follow immediately. The accession or replacement delays and frustrates trials and waste resources on both sides. Some critics say that it appears to be some persons are referred to as sacred cows and untouchables in the country. For instance, during the last administration of Olusegun Obasanjo, a point was raised on a misappropriated 350 billion naira given out on road contract scandal which also involved Obasanjo's henchman and former works Minister Chief Tony Anenih. Also a one time FCT Minister and Chairman FCDA Nasir El-Rufai, was accused by the members of the National Assembly of Paying a Youth Corps Member 2million naira per month with such selective injustice and he was untouchable. This has expressed corruption as much more critical through political and administrative dimensions as revelations from the investigation on the prevalence of corrupt practices in Nigeria prove political exigencies as one of the major factors (The Weekly Treasure Vol 22 No 17th April, 2005).

(iii) *Politicization*: These commissions have been highly politicized subjected and used as tools in the hand of some of the members of a ruling government to nail and suppress all forms of opposition lists and political enemies in their ways in and out side the country. And this has contributed a lot of controversies among Nigerian. This undermines the desired effective results from these commissions.

(iv) *Inadequate Funding and Poor Procedural Law*: Other weaknesses are cost of investigation and prosecution, inadequacy of existing procedural laws for the prosecution of offenders.

(v) *Threats over Lives and Properties*: There are several instances of violence, threats to human live and properties to the agents of these commissions and other citizens of the country spearheaded by political thugs for the purpose of controlling and securing power for their godfathers who without doubts sponsor them in carrying out such evil. Struggle for control of power has given Nigeria in particular a very ugly image. There have been a

question on why did Nigeria come into this quagmire. The answer is theoretical framework as a system of ideas or concepts that help us see the social world, understand it and change it. Theoretical framework provides us with a systematic way of examining social issue and providing recommendations for change. Theoretical framework is also known for its use of concepts in classifying problem. Theoretical framework do compete with each other and continually evolve and changes. Theorizing is a never ending task (Otite, 1986:16)

According to Otite (2000:49) a theory is a tool of science because it defines the kind of data to be collected and provides the conceptual map for classifying and analyzing a phenomenon. From the foregoing therefore for any academic work to be meaningful, it must have a backbone. It is the theoretical framework that serves as such backbone and the basis upon which a particular research can be analyzed.

In the light of the above, the system theory of David Easton, was adopted for this study as the theoretical framework in order to unravel corruption as a result of a chain reaction as a result of people going contrary to the law.

In analyzing the contributions of EFCC to the fight against corruption in Nigeria (2003-2007), David Easton system theory comes to mind. According to Easton (1953) a system is made up of different parts that make up a whole Koontz et al (1983) also sees a system as an assemblage of things interconnected or from a complex unit Laximikanth (2006) says a system is a complex who having a number of parts. These parts of the system are called subsystems. These subsystems are interrelated and interdependent for their functions. The system has a defined boundary through which interact with its environment. The external environment of a system is called a supra-system.

The Implication of the Activities of EFCC On Democratic Consolidation in Nigeria

The Economic and Financial Crime Commission (EFCC) along with its counterpart anti-graft body, independent corrupt practices and other related offences commission were originally and officially set up by the Olusegun Obasanjo administration to confront the menace of corruption especially its political manifestation.

However, a critical look at the track record and the style of its operations will reveal that the EFCC is not a panacea; rather it has become an instrument in the hands of the presidency to perpetrate political corruption. We shall buttress this assertion by examining the way and manner the anti-graft body handled the impeachment cases of Alamieyeseigha and Dariye, this three cases attest to the fact that the EFCC does not follow due process in performing its functions.

The EFCC though did not impeach these governors directly but it however, facilitated the process by ensuring that these Governors were impeached.

In the case of Dariye, through the involvement of the commission, six out of twenty-six lawmakers were able to impeach the former Governor as against the two-third (2/3) requirement as entrenched in the 1999 Constitution.

Similarly, in the case of Alamieyeseigha, the EFCC facilitated the impeachment process by blackmailing and pressurizing members of the Bayelsa State House of Assembly to impeach the Speaker and Deputy Speaker of the Assembly who were core loyalist of Alamieyeseigha. To make life difficult for the people of Bayelsa State, the Commission froze the State account following the refusal of the officials of the state to impeach the Governor. All of these portray the corrupt and lawless way in which the EFCC fights corruption.

Noble as the anti-corruption crusade might be and laudable as some of its achievements might be (especially in the pulling down of some high profile public figures such as Senate Presidents, Ministers and Governors), its practical implementation no doubt creates room for worries and questions. For instance, a situation where the commission picks and chooses only corrupt public officers who are no more in the good book of the president for prosecution is condemnable. A good example of the prosecution of public officers who have fallen out of the former president's favour is the case of Alamieyeseigha. All through the first term he was a friend of the president until when he became staunch advocate of resource control for the Niger Delta. Coupled with his close loyalty to the former Vice-President Atiku who had the ambition of contesting for the presidency in 2007 with Alamieyeseigha speculated as his running mate.

The former president who was still nursing the ambition of ruling the country for a third term saw every 2007 president aspirant especially within the ruling Peoples Democratic Party as an enemy and therefore, used the EFCC to deal with all perceived opposition. Alamieyeseigha thus became a victim of the EFCC.

Apart from being used to unlawfully remove "unfriendly" governors, the EFCC and ICPC were also surreptitiously used by the presidency through the instrumentality of the Independent Electoral Commission (INEC) to screen party candidates for various elective offices. In the first instance, screening of contestants by any official agency is illegal as there are no legal or constitutional provisions supporting it. Neither the 1999 Constitution nor the Electoral Act 2006 authorized screening or verification of candidates by the EFCC and ICPC. It was obvious that the PDP under President Obasanjo merely used the EFCC and ICPC to witch-hunt and disqualifies political opponents (Madu-West et al, 2006). This assertion was buttressed by the pressure that was mounted on INEC by the ruling PDP to disqualify the presidential flag bearer of Action Congress (AC) party, Atiku Abubakar, the former Vice President, who had defected from PDP to AC because of the feud between him and his boss, Obasanjo on the latter's third term agenda (Ajayi, 2007:148). However, the EFCC indictment report had earlier been declared illegal by a Lagos High Court.

These and other cases reveal that the establishment of the EFCC was basically meant to fight opposition and political enemies. This, therefore, means that the EFCC is rather used as a political tool for victimization and harassment of political opponents rather than the reduction of political corruption.

The EFCC as an anti-graft body and knowing what corruption entails is supposed to act according to the law by following due process in dealing with corrupt cases. Indeed, due process was not followed in the impeachment of D.S.P. Alamieyeseigha and Mr. Joshua Dariye. Though fighting corruption is a legitimate course, the EFCC in doing this, takes the route of illegality to achieve the anti-corruption objective. In its attempt to remove these governors from office, the EFCC violated all known rules and procedures of the respective state Houses of Assembly as well as Section 188 (containing procedures for impeachment) and Section 308 (the immunity clause).

The various houses of assembly such as Oyo, Ekiti, Bayelsa, and Plateau States that impeached their governors did not do it voluntarily. It was rather as a result of the intimidation, blackmail and threats from the EFCC that compelled them to do so. This role of the EFCC in facilitating the impeachment of governors is not stated in the Act establishing it. All that is stated is the investigation of public officers that are involved in economic and financial crimes. EFCC, even after investigation of any governor, was not authorized by law to interfere with the prosecution of such a governor by the legislators concerned. The legislators are to be given a free hand to carry out their constitutional role. It is, therefore, left for the legislators to decide whether or not to impeach the governor following the report that the EFCC sent to the assembly. Democracy is a constitutional system of government and to that extent actions of any institution of government ought to be governed by the law. Thus, if EFCC claims to be fighting corruption then it should act according to the law. It cannot lawless and unconstitutional means to arrive at a democratic destination. If the elimination or reduction of corruption by the EFCC is to serve as a vehicle for the consolidation of the country's democracy, then there is the need for the EFCC to follow due process in handling corrupt cases.

RESEARCH METHODOLOGY

The research design used for this study is the Survey method with the use of random sampling technique. This is the method of selecting a sample in such a way that members of the population have equal opportunity or chance of being selected where the selection of one subject and the non-selection of another subject have no influence on each other (Adefila, 2008). 150 questionnaires were administered to the staff of EFCC, Abuja branch, and exactly 130 were returned back which eventually served as the sample size of this study. The population of the study comprises of 1240 staff of EFCC, Abuja as at 25th November, 2008.

In gathering data for this study, the researcher made use of primary and secondary sources of data collection. Through the primary source of data collection, a scheduled questionnaire was used as the instrument for eliciting research relevant information and secondary sources such as published and unpublished documents were used through the use of text books, journals, magazines, newspapers, reports from private and public corporations, published and unpublished projects in libraries, etcetera. The copies of the questionnaire were delivered to the appropriate respondents by the researcher and a period of one week was allowed to enable the respondents carefully complete the questionnaires. After the one week interval, 100 copies of the questionnaire were returned out of 150 questionnaires that were distributed. The actual sample size used for this research was the 100 respondents who filled and returned their questionnaires were used for data analysis. The findings and its implications from the data analyzed was used to test and validate the research hypothesis as acceptable or unacceptable.

The analytical tools used in analyzing data collected for this study are descriptive statistics and chi-square. The descriptive statistics tools used are frequency distribution and percentages.

Chi-square was used to test the hypothesis formulated for the study. The formulae for Chi-square is $\sum \frac{(oi-ei)^2}{ei}$

Where

oi = observed value or frequency,

ei = expected frequency

the degree of freedom(df) is (C-1)(R-1)

where C =No. of Columns

R = No. of rows

$X^2_{0.05}$ = Critical value of Chi – square (table value).

DATA PRESENTATION AND ANALYSIS

Table 5: Do you Support the Federal Government Economic and Financial Crimes Commission (EFCC)?

Responses	No. of Respondents	Percentage (%)
Strongly Agree	100	77
Strongly Disagree	30	23
Undecided	-	-
Total	130	100

Source: Field Survey, 2012

The result in table 5 above shows that 100 respondents representing 77% of the total respondents took strongly agree with the above question while 30 respondents representing 23% of the respondents strongly disagree as their response and there was no undecided case.

Table 6: Can Economic and Financial Crimes Commission Curb Corruption in Nigeria?

Response	No. of Respondents	Percentage (%)
Strongly agree	30	23
Agree	76	58
Undecided	2	2
Disagree	15	12
Strongly disagree	7	5
Total	130	100

Source: Field Survey, 2012

From the response in table 6 above it shows that 30 respondents representing 23% of the total respondents indicate that they strongly agree with the above question while 76 respondents representing 58% of the respondents indicated that they agree and 2% of the responded were undecided. 12% and 5% disagree and strongly disagree respectively.

Table 7: Are the date fixed for Interrogation of Culprits in Line with Section 27 to 42 of EFCC Act 2004?

Response	No. of Respondents	Percentage (%)
Strongly Agree	97	75
Strongly Disagree	28	22
Undecided	5	3
Total	130	100

Source: Field Survey, 2012

From the response in table 7 above, it shows that 97 respondents representing 75% of the total respondents said they strongly agree with the above question while 28 respondents representing 22% of the respondents said that they strongly disagree and 3% of the respondents were indecisive.

Table 8: Can Economic and Financial Crime Commission Improve Fiscal Transparency and Accountability in Nigeria?

Response	No. of Respondents	Percentage (%)
Strongly Agree	97	75
Strongly Disagree	33	25
Undecided	-	-
Total	130	100

Source: Field Survey, 2012

The result in table 8 above shows that 97 respondents representing 75% of the total respondents strongly agree with the above question while 33 respondents representing 25% of the respondents strongly disagree and there was no undecided case.

Table 9: Has Economic and Financial Crime Commission Saved Billions of Naira for the Government?

Response	No. of Respondents	Percentage (%)
Strongly Agree	86	66
Strongly Disagree	44	34
Undecided	-	-
Total	130	100

Source: Field Survey, 2012

The result from table 9 above shows that, 86 respondents representing 66% of the total respondents strongly agree with the above question while 44 respondents representing 34% of the respondents strongly disagree and there was no undecided case.

Table 10: Can Economic and Financial Crime Commission Return the National Treasury to Sanctity?

Response	No. of Respondents	Percentage (%)
Strongly Agree	79	61
Strongly Disagree	40	31
Undecided	11	8
Total	130	100

Source: Field Survey, 2012

The result in table 10 above shows that 79 respondents representing 61% of the total respondents strongly agree with the question above while 40 respondents representing 31% of the respondents strongly disagree and 8% of the total respondents were indecisive on the question.

TEST OF HYPOTHESIS

Table 12 below shows the calculation of chi-square to test the hypothesis formulated for the study.

Table 12: Calculation of Chi-square re (x^2)

RESPONSES	O _i	e _i	O _i -e _i	(O _i -e _i) ²	(O _i -e _i) ² /e _i
Strongly agree	30	26	4	16	0.62
Agree	76	26	50	2500	96.15
Undecided	2	26	-24	576	22.15
Disagree	15	26	-11	121	4.65
Strongly disagree	7	26	-19	361	13.88
TOTAL	130	130			137.45

$e_i = \text{Total value observed}$

Number of response categories = $130/5 = 26$

Degree of freedom (df) = $(c-1)(R-1)$

$= (2-1)(5-1)=4$

Level of significance = 0.05

$X^2_{cal} = 137.45$

$X^2_{0.05} = 9.488$

With the level of significance of 0.05, degree of freedom 4, the calculated value of X^2 is 137.45 compared with the tabulated value of 9.488.

With this result, the null hypothesis is here by rejected the alternate accepted which says economics and financial crime commission can curb corruption to Nigeria.

The acceptance or rejection of hypothesis is base on the Decision Rule which says reject null if calculated value is greater than the table value (Reject H_0 if $X^2_{cal} > X^2_{\alpha, df}$)

Discussion of Findings

From the data analyzed and presented above, it was found out that:

- Economic and Financial Crimes Commission can curb corruption in Nigeria to a great extent as shown in table 6 and 12.
- Many people support the federal government Economic and Financial Crime Commission (EFCC) as shown in table 5.
- Dates are fixed for the interrogation of culprits in line with due procedures as shown in table 7.
- Economic and Financial Crime Commission has saved billions of Naira for the government through monies retrieved from its culprits as shown in table 9.
- Economic and Financial Crime Commission can return the National Treasury to sanctity where fiscal transparency and accountability will reign supreme in Nigeria as shown in table 8.
- The response from the respondents revealed that corruption is the major problem with Nigeria as shown in table 11.

Conclusion

The study analyzed the federal government Economic and Financial Crime Commission to see the extent the Commission has successfully fought against corruption in Nigeria for which it was set up. Findings from this study in table 6 in chapter four revealed that EFCC can curb corruption in Nigeria. Literatures revealed proved that EFCC has over the past six years grappled with her assailants remarkably; adding that corruption is one of the major problems in Nigeria.

Thuggery, recklessness, lack of courtesy, moral bankruptcy, general indiscipline, non-accountability, fraudulence, prejudice, stealing of ballot boxes, assassination, miss-placed employment, bribery, injustice and rigging are general indiscipline which are all embedded in the corrupt practices of the present day Nigeria people, government and culture. And all these plague the attainment of a realizable sustainable social development in Nigeria and enthrone bad leadership. The governance today in Nigeria is predominantly with the aim to gain

power, to rule or precisely power to protect and preserve personal self-interest and consequently to enrich oneself. The unemployed youths are used to carry out violent crimes for the benefit of their political war-lords. Lack of employment and social services usually make the youth easy preys because they are usually enticed by the promises of employment, enrichment or some political appointments should the candidate win. These empty promises usually ginger up the youth to use violence to attack the political opponents of their masters. The implication here is that these politicians do not only encourage violence during democratic campaigns and election but incite the youths to political violence and vandalism. To say the least, instances of political violence abound. For instance, the political violence in democratic campaign in October, 2000, in which four persons were killed, nineteen critically injured during violent clash between the supporters of APP and PDP in Gusau, Zamfara (cf: Nigeria country reports on Human Rights Practices 2002 released by the bureau of democracy, human rights and labour, March 31, 2006). Fighting between the PDP and ANPP in the lead-up to voters' registration Ogu/Bolo L.G.A resulted in the displacement of hundreds of non-PDP supporters and several people active in the same local politics disappeared (see "Nigeria: Spiraling Violence Threatened Election," HRW Documents in Nigeria, New York: April 10, 2003, <http://www.hrw.org/press/2003/4/Nigeria.041004.htm>). Anti-democratic intra-party intrigues, culminating into social crimes were witnessed in Kwara State. When conflict between Governor Muhammad Lawal and his former political mentor, Olusola Saraki led to violent incidents when in August 2002 Saraki and his supporters shifted from ANPP to the PDP and in the process the state chairman Ahmed Pategi was killed. Ahmed's supporters killed two people at the wedding ceremony in September, 2002. In November 2002, a bomb exploded in the newspaper house owned by Olusola Saraki's son and injured five people.

In a nutshell, only good governance, transparency, accountability and the rule of law in Nigeria which are the key requirements in achieving a stable and corrupt – free society are needed in Nigeria, as corrupt leaders cannot wage an effective war against corruption. This can be realizable instrument of (EFCC).

But what is important now as Peter Eigen, Chairman of the watchdog group, Transparency International has noted is that:

...every country has to determine its own prosperity and her war against corruption and should also focus attention on the concrete actions that can yield measurable results and public report whether result are being achieved or not (Odyssey, 2001:12).

It is necessary to re-emphasize that EFCC is cardinal to the future economic emancipation of the nation as good governance, transparency, accountability, the rule of law and proper value-for-money are now emphasized in the country.

Recommendations

The following recommendations will be helpful in fighting corruption if adopted:

- (i) There is need for both EFCC and ICPC to develop the political will to prosecute corrupt people no matter how highly placed. A situation where some people are regarded as sacred cow is not good.
- (ii) For Economic and Financial Crimes Commission (EFCC) to properly fight against Corruption in Nigeria, it is recommended that EFCC should be given high level independence without any political interference and also with an independent Judiciary where both the rich and the poor are judged under the law without inequality, fear or favour and delays in passing verdicts should not be condoned.
- (iii) The modus operandi of EFCC should change. They make a lot of noise instead of investigations. EFCC use to fight corruption on pages of newspapers and television. In Argentina and Chile, corruptions are fought through investigation and in noiseless form. This is not the case with Nigeria most often.
- (iv) There is need for proper security agents assigned to these agencies by the federal government. It will amount to sending a child to farm without hoe, cutlass or farming implements. Confronting corrupt people needs sound security base.
- (v) The Nigerian government should make ₦100 naira the highest denomination: It true that one of the prevalent types of corrupt practice in Nigeria today both in government and in public activities is that of misappropriation of fund, the looting of the national treasury and money laundering. An amount stolen in brief cases with ₦100 Naira denomination will have inconsequential motivation for people to go and steal but such amount will be much in ₦1000 naira denomination. It is believed that if this recommendation is adopted; it will go a long way to also stop bank robbery which has become an honest business in Nigeria today, since much amount can be stolen in ₦1000 naira denomination as will be a burden if ₦100 naira were to be the highest denomination in banks.
- (vi) The mass media has a crucial role to play in the campaigning to educate the people of their right as citizens and in exposing the vogue.
- (vii) To fight corruption properly, moral principles must be upheld. EFCC can curb corrupt practices in Nigeria, which is no doubt; but only if there is (continued) sincerity and righteousness on the part of its operators.

This research has on this note recommended that for Economic and Financial Crimes Commission (EFCC) to properly fight against Corruption in Nigeria, it is recommended that EFCC should be given high level

independence without any political interference and also with an independent Judiciary where both the rich and the poor are judged under the law without inequality, fear or favour and delays in passing verdicts should not be condoned.

In addition, the Nigerian parliament must be an instrument of proper entrenchment of the rule of law as contained in the 1999 Constitution of the Federal Republic of Nigeria and should also serve as a vehicle for proper social engineering so that Nigerians can have and enjoy an ideal dividends of democracy having in mind that 'democracy' is the government of the people, for the people and by the people (Abraham Lincoln) and not 'government' of the elites, for the elites and by the elites alone as it is in Nigeria. True democracy should be gender sensitive and should make for conditions that can be affordable by the have and the have-not in order to be able to participate in Nigeria politics which is not suppose to be for the privilege class alone since the mark of good leadership is not in wealth but the one that can deliver not minding the person's financial strength. These among others are the ways through which corruption can be wiped out of the democratic governance of Nigeria to pave way for sustainable social development to thrive.

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